IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 400 of 2005

Between:

Mohd. Yqub Khan, S/o. Mohd. Umar Khan,
R/o. H.No.9-164, I.B. Tandur, Tandur Mandal, Adilabad District.

..... PETITIONER

AND

1 The Authorised Officer, Land Reforms Tribunal, Asifabad, Adilabad District.
2 the Sub-Collector, Asifabad, Adilabad District.
3 The Manadal Revenue Officer, Tandur Mandal, Tandur,

Adilabad District.
4 The Mandal Revenue Inspector, Tandur, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more in the nature of writ of mandamus directing the respondents herein to continue the petitioner in possession of the property i.e., Sy.No.669/6/1 extent Ac.4.00 situated at Tandur vg., Mandal, Adilabad District, from the date of passing of the Final orders on 27.12.2004 by the Land Reforms Tribunal, Asifabad by keeping the impugned notice vide No.E/569/75, dt. 27.12.2004 i.e., order to make possession of the lands surrendered or deemed to be surrendered under Sec.11.of the Act shall not be enforced till the appeal period is expired to enable the petitioner to avail the statutory remedy available i.le., appeal remedy under Sec. 20 of A.P. Land Reforms (Ceiling on Agricultural Holdings) Act 1973 by duly declaring the action of the 2nd respondent directing the petitioner to deliver the possession of the above said land by 7.1.2005 failing which directing the 4th respondent to take possession of the land of the petitioner and also serving the copy of the impugned notice through M.R.I. on 17.1.2005 as illegal, arbitrary and contrary to the provisions of A.P. Land Reforms(Ceiling on Agricultural Holdings) Act 1973 and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for respondents.

Against any order passed by the Land Reforms Tribunal, an appeal lies to the Appellate Tribunal within 30 days under the A.P. Land Reforms (Ceiling on Agriculture Holdings) Act 1973 (for short 'the Act').

In the present case, the Land Reforms Tribunal, Asifabad, by order dated 27.12.2004 declared the petitioner as a surplus landholder and even before expiry of the statutory period for filing an appeal, the 2nd respondent-Sub-Collector, Asifabad, Adilabad District, enforced the surrender order, as a result of which, the petitioner could not avail the remedy of appeal.

In view of the same, the impugned notice issued in Form No.IX by the 2nd respondent shall not be enforced till the appeal period is expired.

The Writ Petition is, accordingly, disposed of. No costs.

ASSISTATANT REGISTRAR

Dated: 20.01.2005

Note:

Issue CC in 3 days

B/o

Dsr/nsr

To:

1. The Authorised Officer,

Land Reforms Tribunal, Asifabad,

Adilabad District

2. The Sub-Collector, Asifabad,

Adilabad District

3. The Mandal Revenue Officer,

Tandur Mandal, Tandur, Adilabad District

4. The Mandal Revenue Inspector,

Tandur, Adilabad District

5. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

6. Two CD copies